

Application No. 10/694,886
Art Unit 3711
September 22, 2004
Reply to Office Action of June 30, 2004

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims. Claim 1 has been amended in a way that is clarifying in nature and not narrowing in scope. No rejection has been made with respect to the present amendment to claim 1, and Applicants are merely clarifying the inventive discovery that Applicants regard as their own. The scope of claim 1 has not changed. Thus, Applicants are in no way conceding any limitations with respect to the interpretation of the claims under the Doctrine of Equivalents.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw the only (provisional) rejection and allow the currently pending claims.

Issues of Obviousness-Type Double Patenting

Claims 1-2 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of the co-pending '700 application (U.S. Application No. 10/700,663).

Though Applicants believe patentable distinctions exist, Applicants desire to advance prosecution of this application. Thus, Applicants

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respectfully refer the Examiner to the Terminal Disclaimer being concurrently filed with this reply. Accordingly, Applicants respectfully submit that this provisional rejection has been overcome and/or is rendered moot. Withdrawal of this rejection is respectfully requested.

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

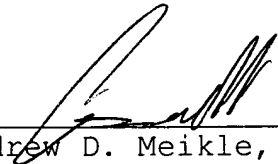
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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